

Item #: 12

Prepared by: Charles P. Wolfe

Commissioner: AVERY

Approved by \_\_\_\_\_

RESOLUTION IN SUPPORT OF A 55 MPH SPEED LIMIT FOR TRUCKS DURING OZONE SEASON IN EARLY ACTION COMPACT AREAS; IN SUPPORT OF ANTI-IDLING PROVISIONS IN EARLY ACTION COMPACT AREAS; IN SUPPORT OF STATEWIDE ANTI-TAMPERING PROVISIONS; AND IN SUPPORT OF STATEWIDE REQUIREMENTS FOR REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) FOR SOURCES OF NITROGEN OXIDES; ALL STRATEGIES TO ATTAIN THE 8-HOUR OZONE STANDARD NOT LATER THAN 2007 IN SHELBY COUNTY.

WHEREAS, Pursuant to the Federal Clean Air Act, the United States Environmental Protection Agency (EPA) has promulgated National Ambient Air Quality Standards for ground level ozone including a 1-hour ozone standard promulgated February 8, 1979 and an 8-hour ozone standard promulgated July 17, 1997; and

WHEREAS, Ground level ozone is the result of a photochemical reaction of volatile organic compounds and nitrogen oxides in sunlight; and

WHEREAS, In 1998 the States of Arkansas, Tennessee, and Mississippi joined in the Arkansas-Tennessee-Mississippi Ozone Study (ATMOS) that has continued to date to determine the most effective control strategies to reduce ozone formation in the Memphis Metropolitan Area and other air quality planning areas throughout the State of Tennessee; and

WHEREAS, Shelby County, Tennessee is designated as in attainment of the 1-hour National Ambient Air Quality Standard for ground level ozone; and

WHEREAS, Ambient air monitoring data for Shelby County, Tennessee for the three-year period 2001-2003 demonstrates that Shelby County has not yet attained the 8-hour National Ambient Air Quality Standard for ground level ozone; and

WHEREAS, By April 15, 2004, the EPA will designate attainment areas and nonattainment areas for the 8-hour ground level ozone standard and Shelby County, Tennessee will be designated as nonattainment; and

WHEREAS, According to the U.S. Centers for Disease Control and Prevention, the asthma rate in the United States is 1 in 15 for children under the age of 18; and

WHEREAS, According to the U.S. Centers for Disease Control and Prevention the Chronic Obstructive Pulmonary Disease (COPD) rate in the United States is approximately 65 of every 1,000 adults aged 60 and older; and

WHEREAS, Tennessee Code Annotated § 68-201-103 indicates the intent and purpose of the Tennessee Air Quality Act is to maintain purity of the air resources of the state consistent with the protection of normal health, general welfare and physical property of the people, maximum employment and the full industrial development of the state; and

WHEREAS, The Memphis & Shelby County Health Department administers a local air pollution control program for Shelby County, the City of Memphis, and the municipalities of Arlington, Bartlett, Collierville, Germantown, Lakeland and Millington pursuant to Tennessee Code Annotated § 68-201-115; and

WHEREAS, Designation as a nonattainment area will trigger mandatory air pollution control requirements such as emissions offsets and Lowest Achievable Emission Reduction Technology (LAER) regardless of cost for new major sources and major modifications to existing sources and other requirements to reduce air pollution from stationary and mobile sources to be promulgated by the United States Environmental Protection Agency for all nonattainment areas; and

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WHEREAS, The United States Environmental Protection Agency announced in the Federal Register published December 16, 2003, its intent to defer the effective date of a nonattainment designation for Early Action Compact Areas that take voluntary early actions to reduce ozone in order to attain the 8-hour ozone standard no later than 2007 and that meet all milestones for such Early Action Compacts; and

WHEREAS, Shelby County and the City of Memphis entered into an Early Action Compact with Fayette and Tipton Counties in Tennessee and the Tennessee Department of Environment and Conservation; DeSoto County, Mississippi and the Mississippi Department of Environmental Quality; Crittenden County, Arkansas and the Arkansas Department of Environmental Quality; and the United States Environmental Protection Agency in December 2002 in order to protect the health of the citizens of the Memphis Metropolitan Statistical Area and to attain the 8-hour ground level ozone standard as expeditiously as possible;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, To support the early action compact to attain the 8-hour ozone standard not later than 2007 in Shelby County.

BE IT FURTHER RESOLVED, That Shelby County expresses its support for the following air pollution control measures:


1. A POSTED AND ENFORCED 55 MPH SPEED LIMIT FOR TRUCKS DURING OZONE SEASON IN EARLY ACTION COMPACT AREAS.
2. ANTI-IDLING PROVISIONS FOR DIESEL ENGINES IN EARLY ACTION COMPACT AREAS.
3. STATEWIDE ANTI-TAMPERING PROVISIONS.
4. STATEWIDE REQUIREMENTS FOR REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) FOR SOURCES OF NITROGEN OXIDES.
5. OPEN BURNING RESTRICTIONS DURING OZONE ACTION DAYS.
6. CONGESTION MITIGATION AND AIR QUALITY PROJECTS INCLUDING INTERSECTION IMPROVEMENT, SIGNAL SYNCHRONIZATION, FREEWAY SERVICE PATROL IMPROVEMENTS, AND THE INTELLIGENT TRANSPORTATION SYSTEM.
7. STAGE I VAPOR RECOVERY IN EARLY ACTION COMPACT AREAS.
8. VOLUNTARY MEASURES INCLUDING, BUT NOT LIMITED TO, THE SHELBY COUNTY SMART GROWTH INITIATIVE (April 21, 2003) AND OZONE ACTION DAY ACTIVITIES.



  
A C Wharton, Jr.  
County Mayor

Date: April 9, 2004

ATTEST:

  
Caroline Apple  
Clerk of County Commission

ADOPTED: MARCH 22, 2004